

1 the inquiry that the Court already had about the extensive R.C.M. 706
2 board and findings the board should cover this material; it's
3 probably not needed.

4 MJ: All right. I'm just going to do -- I don't need to see the
5 material, but, PFC Manning, there were a couple of incidents around
6 the time you were making these disclosures where there was maybe a
7 little bit of outburst behavior. How did that impact your -- did
8 that impact your mental state, in any way, when you were making these
9 decisions to willfully disclose this classified information?

10 ACC: No, Your Honor.

11 MJ: Okay. Were you of -- I mean, was your mind clear when you
12 are making these decisions?

13 ACC: Yes, Your Honor.

14 MJ: Okay. Do you think that there was anything that was
15 influence -- that was of any kind of mental health issue or mental
16 condition that was influencing your decisions to transmit these
17 documents willfully?

18 ACC: I think I had some issues, but I don't think it would
19 impact my performance or my ability to perform my duties, Your Honor,
20 so, no.

21 MJ: All right. Any further inquiry?

22 TC[MAJ FEIN]: No, ma'am.

23 MJ: Okay. Mr. Coombs?

1 CDC[MR.COOMBS]: No, Your Honor.

2 MJ: All right. Lastly, for this charge and specification,
3 let's talk about -- oh, we already talked about Specification 15,
4 didn't we? All right.

5 ACC: Yes, Your Honor.

6 MJ: Any other remaining specifications for charges under 18 --
7 the lesser included offenses for 18 United States Code, Section
8 793(e)?

9 TC[MAJ FEIN]: No, ma'am.

10 CDC[MR.COOMBS]: No, Your Honor.

11 MJ: All right. PFC Manning, do you admit that, at or near
12 Contingency Operation Station Hammer, Iraq, and for Specifications 5
13 and 7, also, at or near Rockville, Maryland, for Specification 2,
14 between on or about February 2010 [sic] and 21 February 2010, you,
15 without authorization, had possession of, access to, or control over
16 a video file named, "12 Jul 07 CZ Engagement Zone 30GC anyone.avi"?

17 ACC: Yes, Your Honor.

18 MJ: Do admit, for Specification 3 of Charge II, that between on
19 or about 17 March 2010 and 22 March 2010, you, without authorization,
20 had possession of, access to, or control over more than one
21 classified memorandum produced by a United States government
22 intelligence agency?

23 ACC: Yes, ma'am.

1 MJ: For Specification 5, to admit that, at or near Contingency
2 Operation Station Hammer, Iraq and at or near Rockville, Maryland
3 that you, without authorization, had possession of, access to, or
4 control over more than 20 classified records from the Combined
5 Information Data Network Exchange-Iraq database?

6 ACC: Yes, ma'am.

7 MJ: Do admit, for Specification 7, that, at or near Contingency
8 Operation Station Hammer, Iraq, and at or near Rockville, Maryland,
9 between on or about 5 February -- or 5 January 2010 and 3 February
10 2010, you, without authorization, had possession of, access to, or
11 control over more than 20 classified records from the Combined
12 Information Data Network Exchange-Afghanistan database?

13 ACC: Yes, ma'am.

14 MJ: For Specification 9, do admit that, at or near Contingency
15 Hammer Station, Iraq [sic], that on or about 8 March 2010, you,
16 without authorization, had possession of, access to, or control over
17 more than three classified records from the United States Southern
18 Command database?

19 ACC: Yes, ma'am.

20 MJ: For Specification 10, do admit that, at or near Contingency
21 Operating Station Hammer, Iraq, between on or about 10 April 2010 and
22 12 April 2010, you, without authorization, had possession of, access
23 to, or control over more than five classified records relating to a

1 military operation in Farah Province, Afghanistan occurring on or
2 about 4 May 2009?

3 ACC: Yes, ma'am.

4 MJ: For Specification 15, do you admit that, at or near
5 Contingency Hammer -- Operating Station Hammer, Iraq, on or about 8
6 March 2010, you, without authorization, had possession of, access to,
7 or control over a classified record produced by a United States Army
8 intelligence organization, dated 18 March 2008?

9 ACC: Yes, ma'am.

10 MJ: All right. For all of the specifications, do you admit
11 that you willfully communicated the classified records, classified
12 memorandum, videos, and files described for each specification
13 described in element one to a person not entitled to receive it?

14 ACC: Yes, Your Honor.

15 MJ: And do you admit that, under the circumstances, your
16 conduct was to the prejudice of good order and discipline in the
17 armed forces or the nature to bring discredit upon the armed forces?

18 ACC: Yes, Your Honor.

19 MJ: All right. Let's move into Specifications 13 and 14 of
20 Charge II which are the lesser included offenses to the offenses
21 charged as a violation of 18 United States Code, Section 1030(a)(1),
22 and Article 134.

1 All right, Specifications 13 and 14 of Charge II allege the
2 offense of fraud and related activity in connection with computers in
3 violation of Title 18, United States Code, Section 1030(a)(1) and
4 Article 134, UCMJ. Your counsel has entered a plea of guilty by
5 exceptions and substitutions for you to the lesser included offense
6 of conduct prejudicial to good order and discipline and service
7 discrediting conduct in violation of Article 134, UCMJ, clauses one
8 and two.

9 Now, your plea of guilty admits that the following elements
10 are true and accurately describe what you did:

11 One, that at or near Contingency Operation Station Hammer,
12 Iraq, for Specification 13 between on or about 28 March 2010 and on
13 or about 4 May 2010; for Specification 14, between on or about 14
14 February 2010 and 15 February 2010, you knowingly accessed a computer
15 on a Secret Internet Protocol Router Network.

16 Element two, that you obtained information that has been
17 determined by the United States government, by executive order or
18 statute, to require protection against unauthorized disclosure for
19 reasons of national defense or foreign relations, to wit:
20 Specification 13, more than 75 classified United States Department of
21 State cables; in Specification 14, a classified Department of State
22 cable titled "Reykjavík 13."

1 Element three, that you communicated, delivered,
2 transmitted, or caused to be communicated, delivered, or transmitted
3 the information to a person not entitled to receive it.

4 Element four, that you acted willfully.

5 And element five, that under the circumstances, your
6 conduct was to the prejudice of good order and discipline in the
7 armed forces or was of a nature to bring discredit upon the armed
8 forces.

9 The same definitions for "prejudice to good order and
10 discipline in the armed forces" and "of a nature to bring discredit
11 upon the armed forces" that I read for you for the offenses charged
12 in Specifications 2, 3, 5, 7, 9, 10, and 15 of Charge II also apply
13 to this offense.

14 Would you like me to read them to you again?

15 ACC: No, Your Honor, that's not necessary.

16 MJ: An act is done willfully if it is done voluntarily and
17 intentionally with a specific intent to do something the law forbids,
18 that is, with a bad purpose to disobey or disregard the law.

19 An act is done knowingly if it's done voluntarily and
20 intentionally and not because of a mistake or accident or other
21 innocent reason.

22 The term "computer" means an electronic, magnetic, optical,
23 electrochemical, or other high-speed data processing device

1 performing logical, arithmetic, or storage functions and includes any
2 data storage facility or communications facility directly related to,
3 or operating in conjunction with such device, but the term does not
4 include an automatic typewriter or typesetter, portable handheld
5 calculator, or a similar device.

6 All right. Once again, in -- I defined "person" for you,
7 earlier; the same definitions apply. Would you like me to read that
8 again?

9 ACC: No, Your Honor.

10 MJ: All right. And if this was going to a trier of fact, in
11 determining whether the person who received the information was
12 entitled to receive it, the trier of fact may consider all the
13 evidence introduced at trial, including any evidence concerning the
14 classification status of the information, any evidence relating to
15 law or regulations governing classification and declassification of
16 national security information, its handling use and distribution, as
17 well as any evidence relating to regulations governing the handling,
18 use, and distribution of the information obtained from the classified
19 systems.

20 Do you understand the elements and definitions as I read
21 them to you?

22 ACC: Yes, ma'am.

23 MJ: Do you have any questions about them?

1 ACC: No, ma'am.

2 MJ: Do you understand that your plea of guilty admits that
3 these elements accurately describe what you did?

4 ACC: Yes, Your Honor.

5 MJ: Do you believe and admit that the elements and definitions,
6 taken together, correctly describe what you did?

7 ACC: Yes, Your Honor.

8 MJ: Now, do you understand -- also, same for this offense as
9 the other offenses, that -- if -- your plea to the lesser included
10 offenses I just read is going to establish some of the elements for
11 the government if they intend to proceed with the greater offenses?

12 ACC: Yes, Your Honor.

13 MJ: I just want to stop here and make sure both sides agree
14 with this. Even though -- I distinguished the elements that -- what
15 your plea would establish and what the government had left to prove.
16 What I neglected to say is there is some discrepancy in the dates.
17 You pled by exceptions and substitutions to dates, so if the
18 government has a broader date range, even in an element you
19 established by your plea, the government still has to prove that
20 broader date range. Okay? Do you understand that?

21 ACC: Yes, Your Honor.

22 MJ: Do both sides agree with that?

23 CDC[MR.COOMBS]: Yes, Your Honor.

1 TC[MAJ FEIN]: Yes, Your Honor.

2 MJ: All right. Let's talk about Specification -- well, let's
3 talk about Specification 14 first. That's the Reykjavík cable?

4 ACC: Yes, Your Honor.

5 MJ: All right. Where is that in your ----

6 ACC: Its Page 17, Your Honor.

7 MJ: Okay. This was the cable where I believe you were talking
8 about you were beginning in -- to get interested in this Icesave?

9 ACC: Yes, Your Honor.

10 MJ: Okay. Now, what -- this cable entitled "Reykjavík," it's
11 from the Department of State Net-Centric Diplomacy portal. What is
12 that?

13 ACC: It is the -- or was the SIPR -- one of the SIPR portals
14 that the Department of State had that published -- I guess their wide
15 distribution tables, Your Honor.

16 MJ: So, did -- you had access to SIPRNET as part of your
17 duties?

18 ACC: Yes, Your Honor.

19 MJ: And you were cleared to have access to that level of
20 information?

21 ACC: Yes, Your Honor.

22 MJ: Now, you testified earlier that you had gone to SIPRNET to
23 get CENTCOM and SOUTHCOM and other database information. Was this

1 Department of State site on the same SIPRNET -- you know -- could you
2 go to the Department of State just like you could go to CENTCOM or
3 SOUTHCOM?

4 ACC: Yes, Your Honor, you just change the address that you go
5 to, yes.

6 MJ: So, were you authorized to go and get that Department of
7 State -- to access that portal?

8 ACC: Yes, Your Honor, I was actually told to go there, Your
9 Honor.

10 MJ: And were you told by this Captain Lim to go there?

11 ACC: Yes, Your Honor.

12 MJ: Okay. Who is Captain Lim?

13 ACC: Captain Lim was originally the Assistant S-2 and after our
14 full-time S-2 shifted to a different position, he became -- he
15 covered down and became the brigade S-2, Your Honor.

16 MJ: All right. So, were you and the other analysts all
17 authorized to go to this database?

18 ACC: Yes, Your Honor.

19 MJ: And did you use it in your intelligence analyst duties?

20 ACC: I did, Your Honor, yes.

21 MJ: The information from it?

22 ACC: Yes, Your Honor.

1 MJ: Okay. Now, was this information -- you testified earlier
2 that not all of it was classified, but was this Reykjavík cable
3 classified?

4 ACC: It was, Your Honor.

5 MJ: Now, what did you do -- so, then, were you authorized from
6 that portal to download it onto a portable medium and take it to your
7 house -- or your CHU?

8 ACC: No, Your Honor.

9 MJ: Okay. What did you do -- did you download that cable?

10 ACC: I did, Your Honor.

11 MJ: On what?

12 ACC: I took the web page and I copied and pasted the data onto a
13 text file which I then burned to a CD containing some other things --
14 I don't remember what -- and then I took that to my CHU, Your Honor.

15 MJ: And what did you do with that when you went -- when you got
16 to your CHU?

17 ACC: I put that onto my personal computer and then uploaded it
18 using the form, Your Honor.

19 MJ: Using what form?

20 ACC: The website form for the WikiLeaks website.

21 MJ: So, you uploaded that Reykjavík cable to your personal
22 computer and then -- am I understanding your testimony -- that you
23 sent that cable to WikiLeaks?

1 ACC: Correct, Your Honor.

2 MJ: On the form that they told senders to use?

3 ACC: Yes, Your Honor.

4 MJ: Okay. And, once again, same as the other things, were you
5 acting willfully?

6 ACC: Yes, Your Honor.

7 MJ: Did you know you are violating the law?

8 ACC: I did, Your Honor, yes.

9 MJ: Okay. Did you -- was WikiLeaks entitled to receive this
10 Department of State cable?

11 ACC: No, Your Honor.

12 MJ: Were they authorized to receive it?

13 ACC: No, Your Honor.

14 MJ: Okay. Were you authorized to send it?

15 ACC: I was not, Your Honor.

16 MJ: Were you authorized to take it out of the SCIF?

17 ACC: No, Your Honor.

18 MJ: These offenses also have the element of conduct prejudicial
19 to good order and discipline and service discrediting conduct. Do
20 you believe your conduct, in sending this Reykjavík cable to
21 WikiLeaks, was prejudicial to good order and discipline?

22 ACC: It was, Your Honor, yes.

1 MJ: And was it for the same reason we talked about earlier or
2 different reasons?

3 ACC: Definitely the same reasons, Your Honor, yes.

4 MJ: Do you believe it was service discrediting?

5 ACC: Yes, Your Honor.

6 MJ: And for the same reasons we talked about earlier or for
7 different reasons?

8 ACC: The same reasons, Your Honor.

9 MJ: Okay. You talked about, here, in your statement that you,
10 basically, concluded that Iceland was being bullied, diplomatically,
11 by two larger European powers and out of viable solutions and coming
12 to the U.S. for assistance and it didn't appear that we were going to
13 do anything. We're you in a position of authority to decide what the
14 United States government was going to do with respect to Iceland?

15 ACC: No, Your Honor.

16 MJ: Did -- We talked about the defense of justification and
17 necessity already. Do you believe the fact that you -- you had a
18 personal belief in this -- that that somehow gave you an authorized
19 military duty to send this cable to WikiLeaks?

20 ACC: I did not have that belief, no, Your Honor.

21 MJ: Okay. So, you had no military duty, then, to send this
22 cable to WikiLeaks?

23 ACC: No, Your Honor.

1 MJ: Okay. And did you believe -- do you believe the defense of
2 necessity, as I defined it before -- you know, were you preventing
3 imminent harm to somebody, like the drowning person in the lake, by
4 sending this cable?

5 ACC: Correct, Your Honor. So it doesn't ----

6 MJ: That's a bad question.

7 ACC: ---- apply.

8 MJ: Did I -- let me ask it again a better way. We talked about
9 the defense of necessity.

10 ACC: Yes, Your Honor.

11 MJ: To talk about trespassing over somebody's house to rescue
12 the drowning person because there is nobody else who can do it. When
13 you sent this cable, were you in that kind of situation?

14 ACC: No, Your Honor, I was not.

15 MJ: Does the defense of necessity apply in your case?

16 ACC: No, Your Honor.

17 MJ: For this specification, did the ----

18 ACC: Not this specification, no Your Honor.

19 MJ: Okay. Does either side believe any further inquiry is
20 required? Except for the date of the specification, did you act on -
21 - just a minute, what's the date on the specification, here? That
22 would be -- did you act on 15 -- between 15 February and 18 February
23 of 2010?

1 ACC: Yes, Your Honor, it was 14 February and 15 February, Your
2 Honor.

3 MJ: Oh, I'm sorry, that's right. Those are the words you said
4 -- 14 and 15 February 2010; that's the exceptions and substitutions
5 you made. So, your conduct, here, in Specification 14, then, was
6 between 14 February 2010 and 15 February 2010?

7 ACC: Yes, Your Honor.

8 MJ: Okay. Now, does either side believe any further inquiry is
9 required?

10 ATC[CPT MORROW]: Your Honor, on Page 18, Paragraph F, the
11 accused states, "I felt I might be able to right a wrong by having
12 them publish this document." That line, in particular, tends to
13 contradict something being service discrediting, so it might be
14 something the Court wants to explore just one more time.

15 MJ: All right. Well, we went over a little bit and the
16 government would like me to go over this in more detail. This is --
17 your statement that they're talking about is, "I decided the cable
18 was something that would be important and I felt I might be able to
19 right a wrong by having them publish this document." So, you,
20 personally, believed that you are doing a good thing, is that fair?

21 ACC: I felt it could be, yes, Your Honor.

1 MJ: Okay. So, we talked about, earlier, that -- did you have
2 the authority to decide to declassify a cable and send it to
3 WikiLeaks because you think a policy is a good thing?

4 ACC: Your Honor, being a junior-enlisted specialist, you know,
5 in the Army, no, Your Honor.

6 MJ: So -- I mean -- so does somebody else get to make those
7 decisions?

8 ACC: I imagine in this case it would be the Department of State
9 in their channels, Your Honor.

10 MJ: So, if the Department of State determines that this cable
11 should be classified and should not be released to WikiLeaks and you
12 decide, as a personal matter, that you don't agree with that and you
13 think it should be released to WikiLeaks and you do release it to
14 WikiLeaks, the fact that you think you're doing the right thing, can
15 that still be service discrediting?

16 ACC: Yes, Your Honor.

17 MJ: And why?

18 ACC: Because it -- if Soldiers in the position I had did that,
19 then it -- I mean, it damages our perception -- the public's
20 perception of how -- whether the military and the services can
21 safeguard information, Your Honor.

1 MJ: So, with respect to prejudice to good order and discipline,
2 if -- is the military and organization that follows a chain of
3 command?

4 ACC: Yes, Your Honor.

5 MJ: So, if someone at the top of the chain of command makes a
6 decision and people below decide, "Well, I don't agree with that
7 decision, so I'm going to live off of my own moral code and not
8 follow the rules and regulations that are set forth by the people
9 with authority to make those rules and regulations," what happens to
10 the organization?

11 ACC: It -- you can't operate in that -- I mean, you just have --
12 we would have junior ranks making decisions that contradict the
13 orders and so the system would seize up, Your Honor.

14 MJ: So, do you think that could be prejudicial to good order
15 and discipline?

16 ACC: Absolutely, Your Honor, yes.

17 MJ: All right. And is that sort of what you were talking to me
18 -- when you were talking to me earlier about service discrediting
19 conduct that might cause people to lose confidence in an organization
20 if they see it sort of disintegrating like that?

21 ACC: Yes, Your Honor, it would be worrying, yes.

1 MJ: All right. And do you believe that your conduct in this
2 case, you know, contributed, I guess to, at least a minor part, to
3 that disorganization?

4 ACC: Yes, Your Honor.

5 MJ: Okay. Does the government believe any further inquiry is
6 required?

7 ATC[CPT MORROW]: No, Your Honor.

8 CDC[MR.COOMBS]: No, Your Honor.

9 MJ: Now, let's look at Specification 13. Now, that talks about
10 more than 75 classified cables. Now, did you have access to more
11 than 75 classified cable -- Department of State cables?

12 ACC: Yes, Your Honor.

13 MJ: All right. Did you get those from the same portal that you
14 got the Reykjavik cable from?

15 ACC: I did, Your Honor.

16 MJ: All right. And was that also done -- was that done between
17 28 March 2010 and 4 May 2010?

18 ACC: It was done, I think, around the 10th of April, Your Honor.

19 MJ: All right. So, is the 10th of April between 28 March 2010
20 and on or about 4 May 2010?

21 ACC: Yes, it is, Your Honor; April.

1 MJ: Okay. So, it would be between those dates that -- I mean,
2 that's the way that your plea by exceptions and substitutions has
3 those dates. Do you believe that those are accurate dates?

4 ACC: Yes, Your Honor, I do.

5 MJ: Okay. Now, where on your timeline are we talking about --
6 or in your statement are we talking about those cables in
7 Specification 13 of Charge II?

8 ACC: It's Page 30, Your Honor, Section 11.

9 MJ: All right. So, this is -- so, when you -- are these cables
10 the last thing that you uploaded and sent?

11 ACC: Yes, Your Honor.

12 MJ: Okay. So, we're getting, now, into the late March
13 timeframe and you said in your statement that you had begun
14 establishing a dialogue with some -- at least one person -- or two
15 people from WikiLeaks?

16 ACC: At least one user account. I don't know what was on the
17 other side, Your Honor.

18 MJ: Okay. And I guess at some point in your statement you were
19 talking about -- you began to look at these Department of State
20 cables and you began to be really interested in them?

21 ACC: Yes, Your Honor.

22 MJ: Okay. Tell me about that.

1 ACC: Well, in the course of my duties, I previously started
2 looking at, as directed -- I started looking at cables, more
3 specifically, for the Baghdad series of cables and then things that
4 were tagged with "Iraq" -- so, the general area of Iraq and then I
5 went over to Afghanistan and then I started looking just wherever my
6 interest piqued, Your Honor.

7 MJ: Okay. And did you download any cables off of the SIPRNET?

8 ACC: Yes, Your Honor.

9 MJ: And to what?

10 ACC: To, first, the -- my workstation, Your Honor, and then from
11 the workstation onto CD -- onto DVD-RW and then onto my personal
12 laptop.

13 MJ: Okay. So, did you do this, basically, the same way that --
14 and you were -- were you authorized to access the portal to get the
15 cable -- to look at the cables?

16 ACC: Yes, Your Honor.

17 MJ: Were you authorized to download them to your personal
18 workstation?

19 ACC: To my workstation? Yes, Your Honor.

20 MJ: Were you authorized to download them to a CD?

21 ACC: Yes, Your Honor.

22 MJ: Were you authorized to take them out of the SCIF?

23 ACC: No, Your Honor.

1 MJ: All right. Were you authorized put them on your personal
2 computer?

3 ACC: No, Your Honor.

4 MJ: Were you authorized -- did you transfer them to WikiLeaks?

5 ACC: I re-did the documents to clean them up and then I uploaded
6 them.

7 MJ: Okay. When you said you re-did the documents to clean them
8 up, what does that mean?

9 ACC: There was a lot of, like, extraneous formatting that I
10 removed from the documents and I put it into a table, Your Honor.

11 MJ: Other than formatting, did you take any -- did you change
12 any of the substance?

13 ACC: No substance changes, no, Your Honor.

14 MJ: So -- what -- and these more than 75 cables were
15 classified, the charged cables?

16 ACC: Yes, Your Honor.

17 MJ: And did you move anything -- remove anything from those
18 cables that would have made them unclassified?

19 ACC: No, Your Honor.

20 MJ: So, when you sent them to WikiLeaks, were they still
21 classified?

22 ACC: They still had classification markings, yes, Your Honor.

1 MJ: Well, if the substance didn't change, would the reason that
2 they had classification markings still be present?

3 ACC: Yes, Your Honor.

4 MJ: Okay. So, you didn't change the words?

5 ACC: Correct, Your Honor.

6 MJ: You just changed the formatting, is that what I'm hearing?

7 ACC: Changed how it worked and how you accessed it, Your Honor.

8 MJ: But the words of the substance from what you took out of
9 the State Department portal and what you, ultimately, wound up
10 sending to WikiLeaks was the same?

11 ACC: Yes, Your Honor.

12 MJ: Okay. Did you act willfully?

13 ACC: Yes, Your Honor.

14 MJ: And was WikiLeaks entitled to receive the State Department
15 -- the classified State Department cables?

16 ACC: No, Your Honor.

17 MJ: And, under the circumstances, was your conduct to the
18 prejudice of good order and discipline in the armed forces or of a
19 nature to bring discredit upon the armed forces?

20 ACC: No, Your Honor -- well, yes -- I think. Yes, it is ----

21 MJ: Okay. Let me ask the question again ----

22 ACC: ---- prejudicial.

1 MJ: Sometimes my questions can be confusing. Was your conduct
2 to the prejudice of good order and discipline in the armed forces?

3 ACC: Yes, Your Honor.

4 MJ: Was is of a nature to bring discredit upon the armed
5 forces?

6 ACC: Yes, Your Honor.

7 MJ: Was -- are you answering "yes" because of the reasons we
8 spoke about earlier or for different reasons?

9 ACC: The same reasons, Your Honor.

10 MJ: Okay. So, am I -- what I'm hearing you tell me, is, then -
11 - basically, for all these specifications that we talked about today,
12 your conduct was prejudicial to good order and discipline and service
13 discrediting conduct for the same reason?

14 ACC: Yes, Your Honor.

15 MJ: All right. You also say here that you were talking about
16 looking at the Department of State cables and how they were --you
17 know, they're SIPDIS means it goes onto SIPRNET and a lot of people
18 have access to SIPRNET -- when classified documents are on SIPRNET
19 and a lot of people are cleared to have access to SIPRNET, does that
20 give you any authorization, justification, or excuse to -- does that
21 mean those can be downloaded off of SIPRNET to personal computers and
22 shipped to people who don't have clearances?

23 ACC: No, Your Honor.

1 MJ: Okay. So, even though a lot of people have access to
2 SIPRNET, it's a controlled access? I mean, did somebody give them
3 authority to get onto SIPRNET or can any Tom, Dick, and Harry just go
4 onto SIPRNET?

5 ACC: If you have -- at the time, if you had access to a SIPRNET
6 computer and you were on SIPRNET, you have access to the Net-Centric
7 Diplomacy site, Your Honor.

8 MJ: I guess where I'm going is -- to -- for a person to get
9 access to SIPRNET, you have to -- does someone have to give you a
10 username and password?

11 ACC: For our unit, it was the S-6 that would give us that, Your
12 Honor.

13 MJ: All right. So, say I walk into your unit at Contingency
14 Operation Base Hammer and I haven't been authorized by anybody to do
15 anything with respect to SIPRNET and I walk into the SCIF, can I go
16 on SIPRNET?

17 ACC: No, Your Honor, you would have to -- we wouldn't let you
18 in, Your Honor.

19 MJ: But I guess where I'm going with this is to get onto
20 SIPRNET, are there some kind of controls so I can't get on it if I
21 walk into the SCIF on Contingency Operation Base Hammer?

22 ACC: In the SCIF? Yes, Your Honor.

1 MJ: Okay. If there is SIPRNET anywhere other than the SCIF,
2 are there some controls on who can get on it and who can have access
3 to that information?

4 ACC: Sometimes no, Your Honor.

5 MJ: No? Okay. So anybody can just get on and go use it?

6 ACC: For some workstations, yes, Your Honor. Legally, no, but
7 the reality was yes.

8 MJ: Okay. WikiLeaks -- are they -- would they have any
9 authorization under any circumstances to access the SIPRNET computer?

10 ACC: No, Your Honor.

11 MJ: So, when you downloaded that Department of State
12 information and brought it to your personal computer and when you
13 sent it to WikiLeaks, did you have any thought in your mind that they
14 were legally authorized to receive it?

15 ACC: No, Your Honor.

16 MJ: Okay. So you knew what you're doing was wrong?

17 ACC: Yes, Your Honor.

18 MJ: And you knew it was against the law?

19 ACC: Correct, Your Honor.

20 MJ: Does either side desire any further inquiry with respect to
21 the more than 75 classified cables?

22 TC[MAJ FEIN]: No, Your Honor.

23 CDC[MR.COOMBS]: No, Your Honor.

1 MJ: All right. Did you say something about these files were
2 corrupted and they had to be sent again or something of that nature?

3 ACC: The later ones -- although the ones that were available up
4 to February of 2010 and then March and April were corrupted, Your
5 Honor.

6 MJ: Okay. Well, what happened -- I thought you testified
7 earlier that, for Specification 13 of Charge II, you sent them in
8 April?

9 ACC: I did send them in April, but that was the ones up to
10 February, Your Honor.

11 MJ: Oh, okay. So you sent the ones up in February that were
12 not corrupted in April?

13 ACC: Yes, Your Honor, and then ----

14 MJ: So, the more than 75 classified charged documents, were
15 they among the corrupted or the not corrupted?

16 ACC: The not corrupted, Your Honor.

17 MJ: So they -- you sent them and they made it?

18 ACC: Yes, Your Honor.

19 MJ: Okay.

20 ACC: And then I made an attempt to add two more months and that
21 never happened, Your Honor.

22 MJ: Okay. So, you actually did send them more than 75
23 classified cables to WikiLeaks?

1 ACC: Correct, Your Honor.

2 MJ: Does either side believe any further inquiry is required
3 with respect to Specifications 13 and 14 of Charge II?

4 TC[MAJ FEIN]: No, Your Honor.

5 CDC[MR.COOMBS]: No, Your Honor.

6 MJ: All right. PFC Manning, then, do you admit that, at or
7 near Contingency Operating Station Hammer, Iraq, for Specification
8 13, between on or about 28 March and on or about 4 May 2010, that you
9 obtained information that has been determined by the United States
10 government, by executive order or statute, to require protection
11 against unauthorized disclosure for reasons of national defense or
12 foreign relations, to wit, for Specification 13: more than 75 United
13 States Department of State cables? And do you admit that, at or near
14 Contingency Operations Station Hammer, for Specification 14, between
15 on or about 14 February 2010 and 15 February 2010, you knowingly
16 accessed a computer on a Secret Internet Protocol Router Network and
17 that you obtained information that has been determined by the United
18 States government, by executive order or statute, to require
19 protection against unauthorized disclosure for reasons of national
20 defense or foreign relations, to wit, for Specification 14: a
21 classified Department of State cable titled, "Reykjavík 13"?

22 ACC: Yes, Your Honor.

1 MJ: All right. For this element, too, were you talking about -
2 - the information has been determined by the United States
3 government, by executive order or statute, to require protection
4 against unauthorized disclosure for reasons of national defense or
5 foreign relations, does that mean classification?

6 ACC: Yes, Your Honor.

7 MJ: Okay. So, if a document is classified, does that fall into
8 that category, here?

9 ACC: It does, Your Honor.

10 MJ: Do the parties agree?

11 CDC[MR.COOMBS]: Yes, Your Honor.

12 TC[MAJ FEIN]: Yes, Your Honor.

13 MJ: Okay. And do you admit, then, for Specifications 13 and 14
14 of Charge II that you communicated, delivered, transmitted, or caused
15 to be communicated, delivered, or transmitted, the information to a
16 person not entitled to receive it?

17 ACC: Yes, Your Honor.

18 MJ: Do you admit that you acted willfully?

19 ACC: Yes, Your Honor.

20 MJ: And do you admit that under the circumstances, your conduct
21 was to the prejudice of good order and discipline in the armed forces
22 or of a nature to bring discredit upon the armed forces?

23 ACC: Yes, Your Honor.

1 MJ: All right. We have one final specification to go over and
2 that's Specification 5 of Charge III. Are the parties ready to
3 proceed? PFC Manning, are you ready to proceed or do you want to
4 have a brief recess before we go into that one?

5 ACC: Continue, Your Honor.

6 MJ: All right. Now, do you have a copy -- I've asked your
7 counsel to make a copy for you of the first page of Army Regulation
8 380-5, dated 29 September 2000, as well as Paragraph 7-4, the
9 paragraph you're charged with violating in that regulation and
10 Paragraph 1-21, entitled "Sanctions." Do you have a copy of all
11 three of those before you?

12 ACC: Yes, Your Honor.

13 MJ: Let's talk about Specification 5 of Charge III. In
14 Specification 5 of Charge III, you're charged with the offense of
15 violating a lawful general order in violation of Article 92, UCMJ.
16 Your defense counsel has entered pleas by exceptions and
17 substitutions for this offense as well. By pleading guilty -- but
18 you're pleading guilty to the same offense, just different dates, I
19 believe, is the exceptions and substitutions.

20 By pleading guilty to this offense, you're admitting that
21 the following elements accurately describe what you did:

1 One, there was in existence a certain lawful general
2 regulation in the following terms: Paragraph 7-4, Army Regulation
3 380-5, dated 29 September 2000.

4 Two, that you had a duty to obey that regulation.

5 And three, that at or near Contingency Operating Station
6 Hammer, Iraq, between on or about 8 January 2010 and on or about 10
7 May 2010, you violated this lawful general regulation by wrongfully
8 storing classified information.

9 Okay, give me one minute, here.

10 CDC[MR.COOMBS]: Ma'am, the Court had stated 10 May for the end
11 date and it's 27 May

12 MJ: 27 May -- that's what -- I thought I saw that. Okay. So,
13 let's go -- let's just change that last element, here. So, that
14 would be that, at or near -- the element three would be that, at or
15 near Contingency Operations Station Hammer, Iraq, between on or about
16 8 January 2010 and on or about 27 May 2010, you violated this lawful
17 general regulation by wrongfully storing information.

18 And general regulations are those regulations which are
19 generally applicable to an armed force in which are properly
20 published by the secretary of a military -- by a military department.
21 General regulations also include regulations which are generally
22 applicable to the command of the officer issuing them throughout the
23 command or a particular subdivision in which are issued by a general

1 officer having general court-martial jurisdiction or a general or
2 flag officer in command or a commander superior to one of those.

3 When a general regulation prohibits certain acts, except
4 under certain conditions, then your conduct must not have come in --
5 fallen within one of the exceptions to regulation. And, once again,
6 you must have had a duty to obey that regulation.

7 To do something wrongfully means to do something without
8 legal justification or excuse.

9 Do you understand the elements and definitions as I read
10 them to you?

11 ACC: Yes, Your Honor.

12 MJ: Do you have any questions about them?

13 ACC: Yes, Your Honor, or no, Your Honor, I don't have any.

14 MJ: Do understand that your plea of guilty admits that these
15 elements accurately describe what you did?

16 ACC: Yes, Your Honor.

17 MJ: Do you believe it admits that the elements and definitions,
18 taken together, correctly describe what you did?

19 ACC: Yes, ma'am.

20 MJ: All right. Now, let's -- were you still at Contingency --
21 were you still deployed at Contingency Operation Base Hammer, Iraq on
22 the dates that you -- between 8 January 2010 and 27 May 2010?

23 ACC: Yes, Your Honor.

1 MJ: Okay. Now, you have a copy -- we talked about earlier of
2 the front page of the Army Regulation 380-5?

3 ACC: I do, Your Honor.

4 MJ: Was the title of that regulation?

5 ACC: Department of Army Information Security Program.

6 MJ: And who is it issued by? It's on the bottom.

7 ACC: Headquarters, Department of the Army.

8 MJ: Do you believe that this is a lawful general regulation?

9 ACC: Yes, Your Honor.

10 MJ: All right. Next, at Paragraph 21 -- 1-21, where it says,
11 "Sanctions" ----

12 ACC: Just, Your Honor.

13 MJ: ---- do you believe that this -- a regulation has to be --
14 sometimes regulations provide guidance and sometimes they're
15 punitive. Do you believe that AR 380-5 is a punitive regulation?

16 ACC: Yes, Your Honor.

17 MJ: And what's this regulation meant to govern?

18 ACC: It governs information security, Your Honor.

19 MJ: All right. Let's look at -- it's Chapter 7 you also have a
20 copy of, it talks about storage and physical security standards and
21 part of that, in Section 2, is Paragraph 7-4 and that's the paragraph
22 that you are accused of violating. Can you tell me how you violated
23 that paragraph?

1 ACC: Yes, Your Honor, by not abiding by 380-5 -- in this
2 paragraph -- in my -- in wrongfully storing and transferring
3 classified information -- properly classified information throughout
4 my period in Iraq.

5 MJ: So, are you talking about -- is this information targeting
6 -- we spent the afternoon talking about how you transferred
7 everything from the Reykjavik cable all the way through and then
8 ending with the Department of State cables in each of the
9 specifications that we just discussed.

10 ACC: Yes, Your Honor.

11 MJ: So, when you were telling me about taking the --
12 downloading the information from your computer to your workstation
13 and then to your CD and then leaving the SCIF and uploading that to
14 your personal computer and sending it out, basically, over the
15 unsecured Internet, is that the conduct that you're talking to me
16 about that violates this regulation?

17 ACC: Yes, Your Honor.

18 MJ: Are you allowed, under this regulation, to take classified
19 information from a SIPRNET computer and take it to your home computer
20 and upload it?

21 ACC: No, Your Honor.

1 MJ: Are you authorized to send classified information that
2 you've taken and downloaded on a CD and put on your personal computer
3 to send that over the general Internet waves?

4 ACC: No, Your Honor.

5 MJ: All right. When you do that, does this violate this
6 Paragraph 7-4 of Army Regulation 380-5?

7 ACC: Yes, Your Honor.

8 MJ: All right. Is it the parties' theory that this is -- in
9 this specification, that it's violated in some other fashion?

10 TC[MAJ FEIN]: No, Your Honor.

11 CDC[MR.COOMBS]: No, Your Honor.

12 MJ: All right. Do the parties believe -- and this was done
13 between the dates we talked about, here, between 8 January 2010 and
14 27 May 2010?

15 ACC: Yes, Your Honor.

16 MJ: Okay. Does either side believe any further inquiry is
17 required?

18 ATC[CPT MORROW]: Your Honor, I may have missed this, but did
19 you explain divers occasions to the accused?

20 MJ: Do I have divers occasions on here?

21 ATC[CPT MORROW]: It is in the specification.

22 MJ: No, I didn't even read it in the element, thank you.

1 All right, the written statement, I believe I have also
2 from you all, doesn't have the words "divers occasions" in it with
3 the elements. So, PFC Manning, when I'm going over -- this is the
4 attachment to the statement that you gave me. So, I just want to
5 make sure you understand what divers occasions means and that --
6 since you didn't except those words out, what you are pleading guilty
7 to. You're charged with -- on divers -- your -- violating this
8 regulation on divers occasions between the dates we just discussed
9 which were 8 January 2010 and 27 May 2010. Now, "divers occasions"
10 means two or more times. So, did you violate this regulation,
11 between those dates, two or more times?

12 ACC: Yes, Your Honor.

13 MJ: Okay. Because we discussed -- basically -- does your
14 conduct in Specifications 2, 3, 5, 7, 9, 10, 13, 14, and 15, all of
15 those specifications we just discussed involve you taking information
16 off of the SIPRNET, taking it out of the SIPR, and loading it either
17 onto your personal computer or your camera and sending those to
18 WikiLeaks. So, the loading of the information in those
19 specifications on your personal computer, is that in violation of AR
20 380-5, Paragraph 7-4?

21 ACC: Yes, Your Honor.

22 MJ: Okay. And you did that more than two times, right?

23 ACC: Yes, Your Honor.

1 MJ: Okay. Same thing for sending the information from your
2 personal computer to, over the unsecure Internet, to WikiLeaks, you
3 did that more than two times, too, is that right?

4 ACC: Yes, Your Honor.

5 MJ: Okay. Does either side believe any further inquiry is
6 required?

7 ATC[CPT MORROW]: No, Your Honor.

8 CDC[MR.COOMBS]: No, Your Honor.

9 MJ: All right. PFC Manning, do you admit that there was in
10 existence a lawful general regulation in the following terms:
11 Paragraph 7-4, Army Regulation 380-5, dated 29 September 2000?

12 ACC: Yes, Your Honor.

13 MJ: Do you admit that you had a duty to obey that regulation?

14 ACC: Yes, Your Honor.

15 MJ: And do you admit that, on divers occasions, between on or
16 about 8 January 2010 and on or about 27 May 2010, at or near
17 Contingency Operating Station Hammer, you violated this lawful
18 general regulation by wrongfully storing classified information?

19 ACC: Yes, Your Honor.

20 MJ: Does either side believe any further inquiry is required as
21 to any of this?

22 CDC[MR.COOMBS]: No, Your Honor.

1 TC[MAJ FEIN]: Your Honor, may we ask for a short recess before
2 you continue and before we answer that question?

3 MJ: Certainly. How long would you like?

4 TC[MAJ FEIN]: 15 minutes, Your Honor.

5 MJ: All right. If we start at 5 after, will 13 minutes give
6 you enough time to do what you need to do?

7 TC[MAJ FEIN]: It will, ma'am.

8 MJ: All right. Court is in recess until 1705 or 5:05 PM.

9 **[The Article 39(a) session recessed at 1655, 28 February 2013.]**

10 **[The Article 39(a) session was called to order at 1708, 28 February**
11 **2013.]**

12 MJ: This Article 39(a) session is called order. Let the record
13 reflect all parties present when the court recessed are again present
14 in court.

15 PFC Manning, let me just ask you one more question on that
16 last -- your plea of guilty to Specification 5 of Charge III. Did
17 you have a duty to obey that regulation?

18 ACC: Yes, Your Honor.

19 MJ: Government, any further inquiry?

20 TC[MAJ FEIN]: Yes, ma'am, the first, really, is a question for
21 the Court, Your Honor. Earlier the Court asked -- or made a
22 statement about the dates and how the government would have to prove
23 the greater date range versus the inclusive date range, but most of

1 the specifications are pled in between two dates. So, I guess, the
2 government was unclear what the Court actually meant after looking
3 back at it.

4 MJ: Well, if they're pled between two dates, that's fine.
5 Let's address that issue when it's ripe.

6 TC[MAJ FEIN]: Yes, ma'am.

7 MJ: If the evidence shows that it's -- if they're two broad
8 dates and the evidence shows it's two narrow dates, the Court could
9 find, by exceptions and substitutions, the narrower dates. Or, if
10 they're different dates -- I don't know all of the -- I haven't
11 looked at this. Are all of the lesser included offenses within the
12 dates charged by the government -- in the exceptions and
13 substitutions?

14 TC[MAJ FEIN]: Yes, ma'am, that's why -- just making sure that
15 the Private First Class Manning understands that they're all
16 inclusive.

17 CDC[MR.COOMBS]: The lesser included falls within their date
18 range, so the government's date ranges are wider than -- and what we
19 gave them were specific dates.

20 MJ: All right. So, I mean, PFC Manning, that's going to be a
21 fact-specific determination, you know, for the fact-finder at the
22 time. You can plead guilty with a subset within a larger subset, but
23 your subset still is within a larger subset but it would be -- you

1 know, the fact-finder could say, "Well, I just--truncate it and make
2 it on the evidence that has been presented." So, do you have any
3 questions about that?

4 ACC: No, Your Honor. I am good.

5 MJ: Do the parties agree with my interpretation of this? It's
6 really a fact-finding decision; it could be excepted and substituted
7 or left within the broader date range depending on how the facts come
8 out.

9 TC[MAJ FEIN]: Yes, ma'am.

10 CDC[MR.COOMBS]: Yes, Your Honor.

11 MJ: Any further inquiry other than that?

12 TC[MAJ FEIN]: Yes, ma'am, I defer to co-counsel.

13 ATC[CPT OVERGAARD]: Ma'am, on Specification 13, you had
14 explored whether or not the cables were the same when they were
15 transmitted as they were when they were downloaded from the SIPRNET
16 and the government just wonders if the Court wants to explore that
17 with Specifications 5 and 7 as well because in Paragraph 6(t) on Page
18 16, there's reference to the possibility that the CIDNE-I and CIDNE-A
19 transmission had been sanitized between the download and the
20 transmission.

21 MJ: All right. Well, PFC Manning, let's talk about -- in all
22 of the specifications we talked about, let's look at it specification

1 by specification. In Specification 2 of Charge II, was the video
2 altered in any way when you sent it?

3 ACC: No, Your Honor.

4 MJ: So, you took what you got off the SIPRNET and that's what
5 you sent?

6 ACC: Yes, Your Honor.

7 MJ: Specification 3, the two documents in Specification 3, the
8 classified memorandum, was that changed, in anyway, between the time
9 that you got it from SIPRNET and the time you sent it?

10 ACC: No, Your Honor.

11 MJ: Specification 5, these are the two that the government
12 wants me to explore, Specifications 5 and 7; those are the two
13 databases -- the more than 20 documents. Did you change those
14 between the time you took them off the SIPRNET and the time you sent
15 them to WikiLeaks?

16 ACC: Yes, Your Honor, I removed some extraneous information that
17 I did not feel needed to be in the version that I sent to whoever I
18 was going to send it to.

19 MJ: When you talked about "you removed extraneous information,"
20 what extraneous information?

21 ACC: Specifically, IP addresses, usernames, a lot of other
22 information attached to the records, Your Honor.

1 MJ: Would that -- the information that you removed, would that
2 have changed their status from classified to unclassified?

3 ACC: The -- I believe that the extraneous information that was
4 on there was classified -- that's my -- that was my impression and --
5 that, I removed. So, I removed some classified information without
6 changing the other information, Your Honor.

7 MJ: So, if the extraneous information you removed was
8 classified, were the cables -- the declassified cables that are
9 charged here that you sent ----

10 ACC: SIGACTs, Your Honor.

11 MJ: ----- or the SIGACTs, I'm sorry. Were they -- did they
12 remain classified because you took some of the classified information
13 out?

14 ACC: I did not remove the field -- the classification field, so
15 I don't know what status they are in because a lot of the documents
16 don't have classification markings separately.

17 MJ: Okay. Now, Government, the charged documents that we went
18 over at the beginning of the trial when PFC Manning was sitting over
19 here at the panel box, were they the charged documents as downloaded
20 from the SIPRNET or were they the charged documents as released?

21 TC[MAJ FEIN]: Your Honor, the charged documents that were
22 printed and put in the binder in Appellate Exhibit 501 were the exact

1 documents printed from the SD card found at Private First Class
2 Manning's aunt's house.

3 MJ: Okay.

4 TC[MAJ FEIN]: So, as released.

5 MJ: The charged documents on Specifications 5 and 7 that we
6 looked through, were those -- did they appear, when you viewed them,
7 in the same form as they were on the SD card in your aunt's camera?

8 ACC: Yes, Your Honor.

9 MJ: Now, was that before or after they had been changed and the
10 extraneous information removed?

11 ACC: That's after, Your Honor.

12 MJ: So, the charged documents, as they appear in that binder
13 that you looked at, are in the form that you had already changed and
14 the form that was sent to WikiLeaks?

15 ACC: Yes, Your Honor, it did.

16 MJ: Were those documents, as you reviewed them in that binder,
17 are they classified?

18 ACC: Well, I would assume so because -- yes, Your Honor.

19 MJ: Well, you're admitting, here, to a criminal offense that --

20 --

21 ACC: Yes.

1 MJ: ---- you are transmitting classified documents so why don't
2 you take a couple of moments and talk to your counsel? If they're
3 not classified, we may need to have another ----

4 ACC: They are classified, Your Honor.

5 MJ: ---- conversation.

6 ACC: The original classification authority said that they're
7 classified, yes, Your Honor.

8 MJ: And you're sure about that?

9 ACC: Yes, Your Honor.

10 MJ: Okay. So, at the time you sent them, they were classified?

11 ACC: Yes, Your Honor.

12 MJ: All right. And you're sure about that?

13 ACC: Yes, Your Honor.

14 MJ: Okay. Does other side believe any further inquiry is
15 required?

16 TC[MAJ FEIN]: No, Your Honor.

17 CDC[MR.COOMBS]: No, Your Honor.

18 MJ: Trial Counsel, what did you calculate to be the maximum
19 punishment authorized in this case based solely on PFC Manning's
20 plea?

21 TC[MAJ FEIN]: Your Honor, based solely on Private First Class
22 Manning's plea, the maximum punishment is to forfeit all pay and

1 allowances, to be reduced to Private (E1), to be confined for 20
2 years, and to be dishonorably discharged from the service.

3 MJ: Defense Counsel, do you agree?

4 CDC[MR.COOMBS]: Yes, Your Honor.

5 MJ: All right. PFC Manning, do you understand that, based on
6 your plea, alone, this court could sentence you to be reduced to the
7 grade of E1, to forfeit all pay and allowances, to be confined for up
8 to 20 years, and to be dishonorably discharged from the service?

9 ACC: Yes, ma'am.

10 MJ: Is the government interested in a fine in this case?

11 TC[MAJ FEIN]: Yes, Your Honor.

12 MJ: And a potential fine also. Do you have any question as to
13 the maximum sentence that could be imposed as a result of your guilty
14 plea?

15 ACC: No, Your Honor.

16 MJ: And, Trial Counsel, is there any pre-trial agreement in
17 this case?

18 TC[MAJ FEIN]: No, Your Honor.

19 MJ: Even though, Counsel, there are no formal, written pre-
20 trial agreements, are there any unwritten agreements or
21 understandings in this case?

22 CDC[MR.COOMBS]: No, Your Honor.

23 TC[MAJ FEIN]: No, Your Honor.

1 MJ: PFC Manning, has anybody made any agreement with you or
2 promise to you in order to get you to plead guilty?

3 ACC: No, Your Honor.

4 MJ: Mr. Coombs and the rest of the defense team, have you had
5 enough time and opportunity to discuss this case with PFC Manning?

6 CDC[MR.COOMBS]: Yes, Your Honor.

7 ADC [MAJ HURLEY]: Yes, ma'am.

8 ADC [CPT TOOMAN]: Yes, Your Honor.

9 MJ: All right. So, I've asked all three of you that; from now
10 on, I'll just -- Mr. Coombs if you can answer as lead counsel, then?

11 CDC[MR.COOMBS]: Okay.

12 MJ: PFC Manning, have you, in fact, consulted fully with your
13 defense team and received the full benefit of their advice?

14 ACC: Yes, Your Honor.

15 MJ: Are you satisfied that your defense team's advice is in
16 your best interest?

17 ACC: Yes, Your Honor.

18 MJ: Are you satisfied with your defense counsel?

19 ACC: Yes, Your Honor.

20 MJ: Are you pleading guilty voluntarily and of your own free
21 will?

22 ACC: Yes, ma'am.

1 MJ: Has anyone made any threat or in any way tried to force you
2 to plead guilty?

3 ACC: No, Your Honor.

4 MJ: Do you have any questions as to the meaning and effect of
5 your guilty plea?

6 ACC: No, Your Honor.

7 MJ: Do you fully understand the meaning and effect of your
8 guilty plea?

9 ACC: Yes, Your Honor.

10 MJ: Do you understand that, even though you believe you are
11 guilty, you have a legal right to plead not guilty in place upon the
12 government the burden of proving your guilt beyond a reasonable
13 doubt?

14 ACC: Yes, Your Honor.

15 MJ: Take a moment now consult, once again, with your defense
16 team and tell me if you still want to plead guilty.

17 **[The accused did as directed.]**

18 MJ: All right. Do you still want to plead guilty?

19 ACC: Yes, Your Honor.

20 MJ: All right. PFC Manning, I find your plea of guilty is made
21 voluntarily and with full knowledge of its meaning and effect. I
22 further find you have knowingly, intelligently, and consciously
23 waived your rights against self-incrimination, to a trial of the

1 facts by a court-martial, and to be confronted by the witnesses
2 against you. Accordingly, your plea of guilty is provident and is
3 accepted. However, I advise you may request withdraw your plea at
4 any time before sentence is announced and, if you have a good reason
5 for your request, I will grant it.

6 Now, is the government going forward on the offenses to
7 which the accused has plead not guilty?

8 TC[MAJ FEIN]: Ma'am, given the seriousness of Private First
9 Class Manning's charged conduct, the United States does intend to go
10 forward with all the charges as originally charged.

11 MJ: All right, then, in that case the Court is not going to
12 make findings with respect to the guilty pleas at this point. PFC
13 Manning, as we discussed earlier, what that means is the government
14 is going to go forward with the charges as charged. Nothing you've
15 said today can be used by the government when they prove the case,
16 however, the elements that you've established in your plea, the
17 government does not have to present any proof of those. Your plea
18 has established those elements so we just have the remaining elements
19 that are left, we've got the outstanding issue that the parties are
20 briefing with the 793(e) offenses as to the tangible/intangible
21 element that we discussed earlier, whether it's only intangible that
22 requires the reason to believe additional elements or whether both
23 do. So, that's -- will be decided at the next Article 39(a) session.